

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re the matter of

FRANCIS O. BENIANA and
RITA BENIANA,

Debtors.

NO. 18-04655
CHAPTER 7

JUDGE JACK B. SCHMETTERER

NOTICE OF MOTION

TO:

Francis O. Beniana
Rita Beniana
2532 W. Birchwood Ave.
Apt. D
Chicago, IL 60645
BY U.S. MAIL

David M. Siegel, Attorney for Debtors
Joseph A. Baldi, Chapter 7 Trustee

BY ELECTRONIC TRANSMISSION
BY ELECTRONIC TRANSMISSION

PLEASE TAKE NOTICE that on March 27, 2018, at 10:00 a.m., or as soon thereafter as Counsel may be heard, we shall appear before the Honorable JACK B. SCHMETTERER, Bankruptcy Judge, at **219 South Dearborn Street, Courtroom #682, Chicago, Illinois**, and then and there present the attached Motion to Modify the Automatic Stay, a copy of which is hereby served upon you.

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion to Modify the Automatic Stay attached, upon the parties listed above, by the methods specified, from 2056 Ridge Road, Homewood, Illinois 60430 before the hour of 5:00 P.M. on the 15th day of March, 2018.

BY: /s/ Terri M. Long
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG
2056 Ridge Road
Homewood, Illinois 60430
Phone: (708) 922-3301
Fax: : (708) 922-3302
Atty. for TOYOTA MOTOR CREDIT CORPORATION, its Successors and/or Assigns

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MOTION TO MODIFY AUTOMATIC STAY

Now comes TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, (hereinafter referred to as "Movant"), a creditor herein, by TERRI M. LONG, its attorney, and moves this Honorable Court for entry of an Order modifying the restraining provisions of §362 of the Bankruptcy Code, and in support thereof respectfully represents as follows:

1. On February 21, 2018, the Debtors herein filed a petition for relief under Chapter 7 of the Bankruptcy Code.
2. Movant is a creditor of the Debtors with respect to a certain indebtedness secured by a lien upon a 2015 Toyota RAV4 motor vehicle, with an outstanding balance of \$14,774.72 as of 3/14/2018.
3. The Debtors have not offered, and Movant is not receiving, adequate protection for its secured interest or depreciating value.
4. The Debtors have no equity in the aforesaid motor vehicle, and the said motor vehicle is not necessary to an effective reorganization by the Debtor.
5. Movant will suffer irreparable injury, harm and damage should it be delayed in taking possession of the motor vehicle aforesaid and in foreclosing its security interest therein.

6. The account is past due in the amount of \$2,059.99 as of 3/14/2018.
7. Movant requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this motion.

WHEREFORE, TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, prays that this Honorable Court enter an Order modifying the restraining provisions of §362 of the Bankruptcy Code to permit the said TOYOTA MOTOR CREDIT CORPORATION, its successors and/or assigns, to take possession of and to foreclose its security interest in a certain 2015 Toyota RAV4 motor vehicle, V.I.N. JTMBFREVXFJ028438, and for such other and further relief as this Court may deem just.

TOYOTA MOTOR CREDIT
CORPORATION, its Successors and/or
Assigns

BY: /s/ Terri M. Long
TERRI M. LONG

LAW OFFICES OF TERRI M. LONG
2056 Ridge Road
Homewood, Illinois 60430
Phone: (708) 922-3301
Fax : (708) 922-3302
Atty. for TOYOTA MOTOR CREDIT CORPORATION, its Successors and/or Assigns

STATE OF ILLINOIS
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CERTIFICATE OF TITLE OF A VEHICLEVEHICLE IDENTIFICATION NO.
JTMBFREVXFJ028438YEAR
2015MAKE
TOYOTAMODEL
RAV4BODY STYLE
CARRYALLTITLE NO.
15183685227

[REDACTED]

DATE ISSUED
07/02/15ODOMETER
4

CCM

MOBILE HOME SQ. FT.

PURCHASED
05/30/15
NEWTYPE TITLE
ORIGINAL

MAILING ADDRESS

LEGEND(S)

ACTUAL MILEAGE

TOYOTA MOTOR CREDIT CORP
PO BOX 105386
ATLANTA GA 30348-5386OWNER(S) NAME AND ADDRESS
BENIANA INC
FRANCIS BENIANA

FIRST LIENHOLDER NAME AND ADDRESS

TOYOTA MOTOR CREDIT CORP
PO BOX 105386
ATLANTA GA 30348-5386

SECOND LIENHOLDER NAME AND ADDRESS

RELEASE OF LIEN

The Lienholder on the vehicle described in this Certificate does hereby state that the lien is released and discharged.

Firm Name	By _____	Signature of Authorized Agent	Date _____
Firm Name	By _____	Signature of Authorized Agent	Date _____

NEW LIEN ASSIGNMENT: The information below must be on an application for title and presented to the Secretary of State.
Secured Party _____
Address: _____

► Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

ASSIGNMENT OF TITLE

The undersigned hereby certifies that the vehicle described in this title has been transferred to the following printed name and address:

I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:

NO
TENTHS

1. The mileage stated is in excess of its mechanical limits.
 2. The odometer reading is not the actual mileage.

WARNING-ODOMETER DISCREPANCY.

"If this vehicle is one of more than 5 commercial vehicles owned by me, I certify also that the vehicle is not damaged in excess of 33 1/3% of its fair-market value unless this document is accompanied by a salvage application."

► ODOMETER READING:
Signature(s) of Seller(s) _____Printed Name(s) of Seller(s):
I am aware of the above odometer certification made by seller.

DATE OF SALE _____

Signature(s) of Buyer(s) _____ Printed Name _____

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that according to the records on file with my Office, the person or entity named herein is the owner of the vehicle described hereon, which is subject to the above named liens and encumbrances, if any.
IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE AND THE GREAT SEAL OF
THE STATE OF ILLINOIS AT SPRINGFIELD
CONTROL NO. _____

M3242655



JESSE WHITE, Secretary of State

DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS.